



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**TO:** KARIN CLARK  
Virginia Department of Social Services

**FROM:** ALLEN T. WILSON  
Senior Assistant Attorney General

**DATE:** February 6, 2012

**SUBJECT:** Proposed Regulation 22 VAC 40-775-10 et seq.  
Adult Services Standards

I have reviewed the proposed regulation 22 VAC 40-775-10 et seq., Adult Services Standards, to determine if the State Board of Social Services (“State Board”) has the statutory authority to promulgate the proposed regulation and if the proposed regulation comports with applicable state law.

Virginia Code § 63.2-217 mandates that the State Board promulgate regulations that are necessary to carry out the provisions of Title 63.2. Among those provisions is Virginia Code § 63.2-1602, which sets out certain adult services to be provided by local boards of social services. Also, Virginia Code § 63.2-1600 directs local boards of social services to provide home-based services in accordance with regulations promulgated by the State Board. It appears that the State Board has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 14 (2010), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-0095.